UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,404	08/30/2001	Douglas L. Sorensen	884.438US1	8246

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EXAMINER
NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/943,404	SORENSEN ET AL.
	Examiner	**Art Unit**
	Nhon (Gary) D Nguyen	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to amendment, filed 09/01/2004.

2. Claims 1-25 are pending in this application. Claims 1, 8, 11, 19 and 23 are independent claims. In this amendment, no claim is canceled, claims 1, 7 and 8 are amended, and no claim is added. This action is made non-final.

Claim Rejections - 35 USC § 101

3. Claims 1-25 are rejected under 35 U.S.C. 101.

As per claims 1-7 and 19-23, the language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

As per claims 8-18, the computer readable medium includes intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed (application specification page 5, paragraph 14).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-9, 11-13, 16, and 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated

by Li et al. ("Li", US 5,911,138).

As per independent claim 1, Li teaches a method for explaining search logic and results,

comprising:

presenting a presentation model (100 of fig. 3A) to explain how a system model (100 of fig.

3A) relates a plurality of search input elements ("Select * From CD_Sales" in Query Window

101 of fig. 3A) to a comparison element ("Price < 10", "Price < 14", "Name = BIG", and "store

= "Fast Sales" in Query Window 101 of fig. 3A), wherein the system model is used to determine

a first search result (107 of fig. 3A);

presenting how the system model is related to the comparison element (104 of fig. 3A); and

presenting a relative importance of the system model in comparison with the comparison

element (Graph Window 102 shows how important the system model is in comparison with the

comparison element in the Query Window 101).

As per claim 2, which is dependent on claim 1, Li teaches presenting how parts of the

system model are related to parts of the comparison element (Query 1 and Query 2 of fig. 3A and

3B respectively).

As per claim 3, which is dependent on claim 2, Li teaches presenting a relative importance

of the parts of the system model in comparison with parts of the comparison element (Graph

Window 102 of fig. 3A and 3B respectively).

As per claim 4, which is dependent on claim 2, Li teaches presenting how parts of each of the plurality of search input elements are related to parts of the system model (Query 1 and Query 2 of fig. 3A and 3B respectively).

As per claim 5, which is dependent on claim 4, Li teaches presenting a relative importance of the parts of the plurality of search input elements in comparison with the parts of the system model (Graph Window 102 of fig. 3A and 3B respectively).

As per claim 6, which is dependent on claim 1, it is inherent that Li's system saves the system model.

As per claim 7, which is dependent on claim 1, Li teaches:

receiving a modification to the plurality of search input elements to create a new plurality of search input elements (fig. 3D; col. 6, lines 10-11);

determining at least a second search result (14 of fig. 3D);

updating the system model to create a new system model incorporating the modification (100 of fig. 3D);

presenting how the new system model is related to the comparison element (142 of fig. 3D); and

presenting a new relative importance of the new system model in comparison with the comparison element (102 of fig. 3D).

As per independent claim 8, Li teaches a machine for explaining search logic and results, comprising:

a processor (22 of fig. 2);

a storage device coupled to the processor (26 of fig. 2);

a search component storable on the storage device and executable on the processor to accept at least one search input element ("Select * From CD_Sales" of fig. 3A) and determine a first search result using a system model (results1 107 of fig. 3A); and

a presentation component storable on the storage device and executable on the processor to create a presentation of a presentation model relating the system model to one of the first search result (102 and 103 of fig. 3A).

As per claim 9, which is dependent on claim 8, Li teaches:

the processor is a server (col. 3, lines 14-24); and

further wherein the processor is capable of receiving the at least one search input element from a client (col. 3, lines 28-33).

As per independent claim 11, it is rejected under the same rationale as claim 1.

As per claim 12, which is dependent on claim 11, Li teaches:

presenting a contribution of parts of the comparison element to parts of the system model (Query 1 and Query 2 of fig. 3A and 3B respectively); and

presenting a relative importance of parts of the system model in comparison with parts of

the comparison element (Graph Window 102 of fig. 3A and 3B respectively).

As per claim 13, which is dependent on claim 11, it is rejected under the same rationale as

claim 7.

As per claim 16, which is dependent on claim 11, Li teaches the application is a database

application (col. 1, lines 64-67).

As per claims 19-21, they are rejected under the same rationale as claim 1.

As per claim 22, which is dependent on claim 21, it is rejected under the same rationale as

claim 7.

As per independent claim 23, Li teaches a method for explaining search logic and results,

comprising:

receiving a basis of a search, the basis comprising at least one item (search query 104 of fig.

3A);

presenting the basis in a retained-items list ("Price < 10", "Price < 14", "Name = BIG", and

"store = "Fast Sales" in Query Window 101 of fig. 3A);

creating a similarity profile from the retained-items list (results1 107 of fig. 3A generates

similarity profile as a result from the search query 104);

generating a suggested-items list from the similarity profile, the suggested items list

comprising at least one item; presenting the suggested-items list as search results (102 of fig.

3A); and

providing an option to present the similarity profile (col. 10, lines 15-36);

As per claim 24, which is dependent on claim 23, Li teaches:

receiving a selected item from the suggested-items list; receiving a request for presentation

of the similarity profile for the selected item ; and presenting a presentation comparing the

selected item to the similarity profile (from the search results in Graph Window 102 and Tree

Window 103 of fig. 3A, creates new search presentation 130 and similarity profile 134 of fig.

3C) .

As per claim 25, which is dependent on claim 24, Li teaches wherein presenting the

presentation comparing the selected item to the similarity profile comprises:

computing a profile-word importance for each word in the similarity profile; presenting the

profile-word importance for each word in the similarity profile; (computes from the similarity

profile in the result 134 of fig. 3C, then generates graphical display in window 102 of fig. 3C to

show how important of each word in the search query, such as "Price", "Name", and "store");

computing a degree of match for each word in the selected item in relation to the similarity

profile using the profile-word importance; presenting the degree of match for each word in the

selected item in relation to that same word in the similarity profile (computes the degree of

match for each word in the query 142 of fig. 3D such as "Price > 10", "Price < 14", "Name =

BIG", and "store = Fast Sales", and then presents it in the search result 14 of fig. 3D).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Hsu

(US 6,374,079).

As per claim 10, which is dependent on claim 8, Li does not disclose the processor is

capable of communicating in a wireless Internet environment. Hsu teaches a processor is adapted

as an entry point onto network for wireless users having wireless Internet services (col. 7, line 63

– col. 8, line 8). It would have been obvious to an artisan at the time of the invention to use the

teaching from Hsu of processor capable of communicating in a wireless Internet environment in

Li's system since it would be convenient and easy to adapt to wireless Internet technology.

8. Claims 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Li

As per claims 14, 15, 17, and 18, which are all dependent on claim 11, Li does not

disclose his explaining search queries are applied to electronic mail, Internet search engine, e-

commerce, and document management. However, the Examiner takes Official Notice that search

queries are well known for searching in electronic mail, Internet search engine, e-commerce, and

document management systems. It would have been obvious to an artisan at the time of the

invention to modify Li's explaining search queries to implement in electronic mail, Internet

search engine, e-commerce, and document management systems since it would present an

overview of search presentation to users.

Response to Arguments

9. Applicant's arguments filed 09/01/2004 have been fully considered but they are not

persuasive.

Applicant argued the following:

(a) The presentation model explains to a user how search input elements lead to the

search results. There is no such disclosure in Li in Fig. 3A.

(b) The comparison element comprises an element selected from a list of elements used

to process a search in order of how similar and relevant they are to the result. Fig. 3A of Li does

not teach such an element.

Examiner disagrees for the following reasons:

(a) The presentation models such as 102 and 103 (fig. 3A) clearly explain to a user, in

result 108 and graph 105, how search input elements in query 1 of the Query Window 101 lead

to search results.

(b) In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., the

comparison element comprises an element selected from a list of elements used to process a

search in order of how similar and relevant they are to the result) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). In this case, the claim language only recites "comparison

element" which is taught by Li in the Query Window 101 of fig. 3A element (e.g. "Price < 10",

"Price < 14", "Name = BIG", and "store = "Fast Sales" in Query Window 101 of fig. 3A).

Inquiries

10. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-

4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
March 06, 2005

BA HUYNH
PRIMARY EXAMINER